

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

**FILED**

JAN 30 2006

**MICHAEL W. DOBBINS, CLERK  
UNITED STATES DISTRICT COURT**

Cathryn Perle Franklin

(Name of the plaintiff or plaintiffs)

CIVIL ACTION

NO. 06 C 5 0 0 25

**V.**

McHenry County College

(Name of the defendant or defendants)

## COMPLAINT OF EMPLOYMENT DISCRIMINATION

1. This is an action for employment discrimination.

2. The plaintiff is Cathryn Perlette Franklin of the  
county of McHenry in the state of IL.

3. The defendant is McHenry County College, whose  
street address is 8900 NW Hwy

(city) Crystal Lake (county) Mc Henry (state) IL (ZIP) 60012

(Defendant's telephone number) (815)-455 3700

4. The plaintiff sought employment or was employed by the defendant at (street address)

8900 New Hwy (city) Crystal Lake

(county) McHenry (state) IL (ZIP code) 60013

5. The plaintiff [*check one box*]

- (a) ☐ was denied employment by the defendant.
- (b) ☐ was hired and is still employed by the defendant.
- (c) ☒ was employed but is no longer employed by the defendant.

## 6. The defendant discriminated against the plaintiff on or about, or beginning on or about,

(month) August, (day) 1, (year) 2004.

7.1 (*Choose paragraph 7.1 or 7.2, do not complete both.*)

(a) The defendant is not a federal governmental agency, and the plaintiff [*check*

*one box*] ☐ *has not* filed a charge or charges against the defendant  
☒ *has*

asserting the acts of discrimination indicated in this complaint with any of the following government agencies:

- (i) ☒ the United States Equal Employment Opportunity Commission, on or about  
 (month) August (day) 4<sup>th</sup> (year) 2005.
- (ii) ☐ the Illinois Department of Human Rights, on or about  
 (month) \_\_\_\_\_ (day) \_\_\_\_\_ (year) \_\_\_\_\_.

(b) If charges *were* filed with an agency indicated above, a copy of the charge is

attached. ☒ YES. ☐ NO, but plaintiff will file a copy of the charge within 14 days.

It is the policy of both the Equal Employment Opportunity Commission and the Illinois Department of Human Rights to cross-file with the other agency all charges received. The plaintiff has no reason to believe that this policy was not followed in this case.

## 7.2 The defendant is a federal governmental agency, and

(a) the plaintiff previously filed a Complaint of Employment Discrimination with the defendant asserting the acts of discrimination indicated in this court complaint.

☐ Yes (month)\_\_\_\_\_ (day)\_\_\_\_\_ (year)\_\_\_\_\_

☐ No, did not file Complaint of Employment Discrimination

(b) The plaintiff received a Final Agency Decision on (month)\_\_\_\_\_  
(day)\_\_\_\_\_ (year)\_\_\_\_\_.

(c) Attached is a copy of the

(i) Complaint of Employment Discrimination,

☐ YES ☐ NO, but a copy will be filed within 14 days.

(ii) Final Agency Decision

☐ YES ☐ NO, but a copy will be filed within 14 days.

8. (Complete paragraph 8 only if defendant is not a federal governmental agency.)

(a) ☐ the United States Equal Employment Opportunity Commission has not issued  
a *Notice of Right to Sue*.

(b) ☒ the United States Equal Employment Opportunity Commission has issued a  
*Notice of Right to Sue*, which was received by the plaintiff on  
(month) November (day) 11<sup>th</sup> (year) 2005 a copy of which  
*Notice* is attached to this complaint.

9. The defendant discriminated against the plaintiff because of the plaintiff's [*check only those that apply*]:

(a) ☐ Age (Age Discrimination Employment Act).

(b) ☒ Color (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).

- (c) ☒ Disability (Americans with Disabilities Act or Rehabilitation Act)
- (d) ☐ National Origin (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (e) ☒ Race (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (f) ☐ Religion (Title VII of the Civil Rights Act of 1964)
- (g) ☐ Sex (Title VII of the Civil Rights Act of 1964)

10. If the defendant is a state, county, municipal (city, town or village) or other local governmental agency, plaintiff further alleges discrimination on the basis of race, color, or national origin (42 U.S.C. § 1983).

11. Jurisdiction over the statutory violation alleged is conferred as follows: for Title VII claims by 28 U.S.C. §1331, 28 U.S.C. §1343(a)(3), and 42 U.S.C. §2000e-5(f)(3); for 42 U.S.C. §1981 and §1983 by 42 U.S.C. §1988; for the A.D.E.A. by 42 U.S.C. §12117; for the Rehabilitation Act, 29 U.S.C. § 791.

12. The defendant [*check only those that apply*]

- (a) ☐ failed to hire the plaintiff.
  - (b) ☒ terminated the plaintiff's employment.
  - (c) ☒ failed to promote the plaintiff.
  - (d) ☐ failed to reasonably accommodate the plaintiff's religion.
  - (e) ☒ failed to reasonably accommodate the plaintiff's disabilities.
  - (f) ☒ failed to stop harassment;
  - (g) ☒ retaliated against the plaintiff because the plaintiff did something to assert rights protected by the laws identified in paragraphs 9 and 10 above;
  - (h) ☐ other (specify): \_\_\_\_\_
-

13. The facts supporting the plaintiff's claim of discrimination are as follows:

Employee of UIC for 10 years; promoted to Interim Dean, applied for Dean of Students position; demoted to Assistant to Athletic Dept. Director due to elimination of Director of Career Service which was held successfully for 6 years, then contract not renewed. Supervisor and plaintiff had two year long intimate relationship. A non white was hired for

14. [AGE DISCRIMINATION ONLY] Defendant knowingly, intentionally, and willfully discriminated against the plaintiff. *Dean position*

15. The plaintiff demands that the case be tried by a jury. ☐ YES ☒ NO

Cont. →

16. THEREFORE, the plaintiff asks that the court grant the following relief to the plaintiff  
[check only those that apply]

- (a) ☐ Direct the defendant to hire the plaintiff.
- (b) ☒ Direct the defendant to re-employ the plaintiff.
- (c) ☒ Direct the defendant to promote the plaintiff.
- (d) ☐ Direct the defendant to reasonably accommodate the plaintiff's religion.
- (e) ☒ Direct the defendant to reasonably accommodate the plaintiff's disabilities.
- (f) ☒ Direct the defendant to (specify): demote key administrative staff due to unprofessional conduct.

Plaintiff diagnosed with depression is in and out of therapy and taking antidepressants.

Defendant knew of plaintiff's depression since or about August of 1999.

Plaintiff's personnel file indicates positive reviews.

Plaintiff was told by supervisor, hiring manager of Dean of Student position, not to apply for second round of interviewing. Plaintiff did not re-apply. A non white was hired who had no background in the judicial process of Higher Ed.

Due to layoff plaintiff fell into major depressive episodes.

Plaintiff is a single mother with three children.

- \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- (g) ☒ If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.
- (h) ☒ Grant such other relief as the Court may find appropriate.

(Plaintiff's signature)

C. Franklin

(Plaintiff's name)

Cathryn Perfectie Franklin

(Plaintiff's street address)

17 Woody Way

Co

(City) Calif (State) IL (ZIP) 60013

(Plaintiff's telephone number) (847) - 829-1830  
847 307-2472

Date: 1-24-06

**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented

Agency(ies) Charge No(s):

☐ FEPA☒ EEOC

210-2005-08146

**Illinois Department Of Human Rights**

and EEOC

State or local Agency, if any

Name (Indicate Mr., Ms., Mrs.)

**Cathryn Perfetti- Franklin**

Home Phone No. (Incl Area Code)

**(847) 516-9252**

Date of Birth

**02-01-1963**

Street Address

City, State and ZIP Code

**218 Valley Drive, Cary, IL 60013**

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

**MCHENRY COUNTY COLLEGE**

No. Employees, Members

**500 or More**

Phone No. (Include Area Code)

**(815) 455-3700**

Street Address

City, State and ZIP Code

**8900 Northwest Highway, Crystal Lake, IL 60012**

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☒ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN  
☐ RETALIATION ☐ AGE ☒ DISABILITY ☐ OTHER (Specify below):

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

**11-01-2004****02-01-2005**☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I began my employment with the above named Respondent in 1994. My most recent position was as an assistant to the Athletic Department Director. On or about August 2004 through December 2004 I was assigned to the position of Interim Dean of Students. On or about 1999, Respondent became aware of my disability. In the Summer 2002, an intimate relationship with my immediate supervisor ended. On September 16, 2004, I applied for the Dean of Student position but was not considered for the position. On or about November 2004, I was notified that my contract would not be renewed and my employment would end on June 30, 2005. On or about February 2005 a non-White was selected for the position of Dean of Students.

I believe that I have been discriminated against because of my race, white, in violation of Title VII of the Civil Rights Act of 1964, as amended. I also believe that I have been discriminated against because of my disability in violation of the Americans with Disabilities Act of 1991.

RECEIVED EEOC

AUG 04 2005

CHICAGO DISTRICT OFFICE

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - When necessary for State and Local Agency Requirements

I declare under penalty of perjury that the above is true and correct.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

8/4/05

Date

Cathryn Perfetti-Franklin

Charging Party Signature

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE

(month, day, year)



**DISMISSAL AND NOTICE OF RIGHTS**To: **CERTIFIED MAIL NO: 7099-3400-0014-4046-0027 C/P**From: **Chicago District Office  
500 West Madison St  
Suite 2800  
Chicago, IL 60661****Cathryn Perfetti-Franklin  
17 Woody Way  
Cary, IL 60013**☐*On behalf of person(s) aggrieved whose identity is  
CONFIDENTIAL (29 CFR § 1601.7(a))*

EEOC Charge No.

EEOC Representative

Telephone No.

**210-2005-08146****Patricia Jaramillo,  
Enforcement Supervisor****(312) 886-3576****THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans with Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.

☐

Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.

☐

While reasonable efforts were made to locate you, we were not able to do so.

☐

You were given 30 days to accept a reasonable settlement offer that affords full relief for the harm you alleged.

☒

The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

☐

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

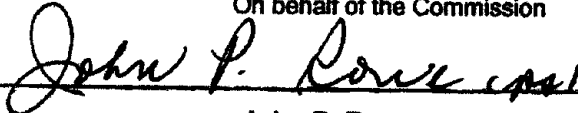
Other (briefly state)

**- NOTICE OF SUIT RIGHTS -***(See the additional information attached to this form.)*

**Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS** of your receipt of this Notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred **more than 2 years (3 years)** before you file suit may not be collectible.

On behalf of the Commission

**John P. Rowe,  
District Director**

Enclosure(s)

**11/7/05**  
(Date Mailed)cc: **MCHENRY COUNTY COLLEGE**